

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ZAPFRAUD, INC.

Plaintiff,

v.

BARRACUDA NETWORKS, INC.,

Defendant.

Civil Action No. 19-1687-CFC-CJB

ORDER

At Wilmington this Twenty-fourth day of March in 2021, having considered the Report and Recommendation issued by the Magistrate Judge on September 22, 2020 (D.I. 52), the objections to the Report and Recommendation filed by Barracuda Networks, Inc. (D.I. 54) and response to those objections (D.I. 56), and the expiration of the time allowed for objections pursuant to Rule 72 of the Federal Rules of Civil Procedure having passed with no objections having been filed by ZapFraud, Inc.;

IT IS HEREBY ORDERED that:

1. For the reasons stated in the Memorandum Opinion issued this day, Barracuda's Objections to the Magistrate Judge's Report and Recommendation (D.I. 54) are SUSTAINED and the Magistrate Judge's

recommendation that the Court deny Barracuda's motion dismiss the claims of post-suit induced infringement, contributory infringement, and enhanced damages for willful infringement of U.S. Patent No.

10,277,628 (the #628 patent) is REJECTED;

2. The Magistrate Judge's recommendation that the Court grant Barracuda's motion to dismiss the claims of pre-suit induced infringement, contributory infringement, and enhanced damages for willful infringement of the #628 patent is ADOPTED;
3. The Magistrate Judge's recommendation that the Court grant Barracuda's motion to dismiss the claims of induced infringement, contributory infringement, and enhanced damages for willful infringement of U.S. Patent No. 10,609,073 is ADOPTED;
4. Barracuda Network, Inc.'s motion to dismiss the claims of induced infringement, contributory infringement, and enhanced damages for willful infringement in Plaintiff's Second Amended Complaint (D.I. 39) is GRANTED;
5. Plaintiff's claims for induced infringement, contributory infringement,

and enhanced damages for willful infringement are DISMISSED.


UNITED STATES DISTRICT JUDGE